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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,679	07/15/2002	Hector E. Chavez-Gandara	FINP:104 -US-	9304

24041 7590 05/16/2003

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EXAMINER
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STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/070,679

Applicant(s)

CHAVEZ-GANDARA, HECTOR E

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

This is the first Office Action for application number 10/070,679 Multiuse Construction system: Multispace 2000, filed on 7/15/02. Claims 18-35 are pending. This application claims priority under 35 USC 371 of PCT/CA99/00815, dated 9/7/99.

### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-18 been renumbered 18-35.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 23, 25, 26, 29, and 30 recite the limitation "The building system" in line 1. There is insufficient antecedent basis for this limitation in the claims.

Claim 25 recites the limitation "said roof structure" and "said exposed upper ends of said wall rods" all which have an insufficient antecedent basis. The claim could not be further examined.

Claim 26 recites the limitation, "said wall rods" which also has insufficient antecedent bases and could not be further examined. Therefore, claims 27 and 28 which are dependent on 26 and 27, were not considered due to indefiniteness.

Claims 29 and 30 also contain many terms without antecedent basis and could not be considered.

The claims seem to be mistakenly dependent on claim 20, and intended to be dependent on claim 22.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No.1588332 to Peters and in view of United States Patent No. 3478482 to Weir and 5186883 to Beall, III.

Peters discloses a block (10) for use in a building system, the block (10) having top and bottom surfaces, opposed interior and exterior sides, and opposed ends, the block (10) having a recess (end of block near 17) extending from the top to bottom surfaces and inwardly at each end, the top and bottom surfaces being complementary in shape for interfitting, with one of the top and bottom surfaces having a ridge portion (13) extending the length of the block and the other of the top and bottom surfaces having a groove portion (11) complementary to the ridge portion (13), whereby when a plurality of the blocks (10) are assembled horizontally and vertically with ridge portions (13) and groove portions of vertically adjacent blocks interfitting to define a wall, the block end recesses define a plurality of vertically oriented ducts or a central through aperture running from top to bottom in longitudinal alignment with the block end recesses and could be adapted to accept structural rods and mortar in selected ones of the ducts to form support columns, and to accept utility conduits in selected others of the ducts without rods and mortar

Art Unit: 3632

characterized wherein the ridge portion (13) and the groove portion (11) are centrally located on the top and bottom surfaces and the block (10) includes a first channel (12) and a second channel (12) on either side of the recesses along the top and bottom surfaces which channels (12) extend from end to end generally parallel to the ridge and groove portion, and at least one bore (14) running vertically through the block (10) between the second channel (12) of the top surface and second channel (12) of the bottom surface.

Peters does not show where the first and second channels are located laterally inwardly of the interior and exterior surfaces and laterally outwardly of the ridge portion and the groove portion, the first channel being inwardly of the exterior side of the block and the second channel being inwardly of the interior side, the first channel being smaller in cross section than the second channel.

Weir shows a building block with a top and bottom with a ridge (2) on the bottom which corresponds to the groove (1) on the top side to interfit the blocks, which has a first channel (3) which is outward the ridge and groove portion and inward the exterior surface, used to accommodate sealing means to the elements.

Beall III shows a building block (10) with a top and bottom with a ridge (27) on the bottom which corresponds to the groove (28) on the top side to interfit the blocks and also shows a second channel (22) which is between the interior wall and the groove and ridge portions, used to accommodate utility cable when the blocks are assembled horizontally adjacent. The Weir first channel cross-section being sized much smaller than the Beall III second channel, in order to fit a sealing strip in the first channel and

Art Unit: 3632

larger conduit and utility cables in the second channel. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Weir and Beall III to have modified the channels of Peters to have located the channels inwardly from the exterior and interior walls and outwardly from the ridge and groove portions and the first channel cross-section being smaller than the second channel, in order to add a sealer strip to the front channel and to accommodate utilities in the second channel.

Claims 22, 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6085476 to Jantzi et al. and in view of 1588332 to Peters and further in view of United States Patent No. 3478482 to Weir and 5186883 to Beall, III.

Jantzi et al. shows a modular building system (10) for a building, including a visible foundation (12) having a structural beam elements of reinforced concrete having a plurality of foundation rods (32) extending upwardly therefrom, a plurality of modular blocks (14) for forming walls of the building extending upwardly from the foundation beam elements, the blocks (14) having vertical apertures (38) therethrough and adapted to be assembled into the walls such that a plurality of vertical ducts are formed in the walls by the apertures (38) of adjacently assembled blocks, wall rods (26) having upper and lower ends, the lower ends of the wall rods being connectable to the foundation beam rods at selected locations thereof and adapted to extend upwardly through selected ones of the assembled wall ducts, at least some of the wall rods being of a height where the upper ends are exposed

Art Unit: 3632

above, an assembled wall, modular floor beams (underneath 22) and means for connection of the floor beams to the visible foundation beam elements, and modular first ceiling beams (40) for extending between side walls of the building, the ceiling beams adapted for support and connection to the walls in association with the exposed upper ends of the at least some of the wall rods, and a, "A" frame roof structure formed of modular beams for connection with the walls in association with the exposed upper ends of the at least some of the wall rods, characterized wherein means demountably connects the roof structure to the walls whereby the roof structure is removable from an assembled building whereby the walls may be extended upwardly by additional the modular block to form a second level, the first ceiling beams forming support for modular flooring of the second level, and the roof structure can be mounted on the extended walls, and further comprising modular wall corner blocks (See Fig. 1A), modular flooring (22), windows and doors to complete and enclose the building according to a predetermined design.

Jantzi et al. does not teach the specifics of the building blocks which have have a top and bottom surfaces, opposed inner and outer sides and opposite ends, the top and bottom surfaces having complementary recess and protrusion configurations for interfitting vertically adjacent blocks, and wherein the modular wall blocks each have a channel in each of the top and bottom surfaces, each the channel being inwardly adjacent the outer side whereby when blocks are assembled to form a wall, the channels of adjacent blocks form a conduit for containing means to seal the walls from elements of weather. Jantzi et al. does not show wherein each



Art Unit: 3632

the modular block further have second channels in the top and bottom surfaces inwardly adjacent the Inner side whereby when the blocks are assembled to form a wall, the second channels of adjacent blocks form means for selectively containing utility conduits for the building. Jantzi et al. does not show wherein the block further has at least one bore running vertically through the block between the second channel of the top surface and the second channel of the bottom surface.

Peters discloses a block (10) for use in a building system, the block (10) having top and bottom surfaces, opposed interior and exterior sides, and opposed ends, the block (10) having a recess (end of block near 17) extending from the top to bottom surfaces and inwardly at each end, the top and bottom surfaces being complementary in shape for interfitting, with one of the top and bottom surfaces having a ridge portion (13) extending the length of the block and the other of the top and bottom surfaces having a groove portion (11) complementary to the ridge portion (13), whereby when a plurality of the blocks (10) are assembled horizontally and vertically with ridge portions (13) and groove portions of vertically adjacent blocks interfitting to define a wall, the block end recesses define a plurality of vertically oriented ducts or a central through aperture running from top to bottom in longitudinal alignment with the block end recesses and could be adapted to accept structural rods and mortar in selected ones of the ducts to form support columns, and to accept utility conduits in selected others of the ducts without rods and mortar characterized wherein the ridge portion (13) and the groove portion (11) are centrally located on the top and bottom surfaces and the block (10) includes a first

Art Unit: 3632

channel (12) and a second channel (12) on either side of the recesses along the top and bottom surfaces which channels (12) extend from end to end generally parallel to the ridge and groove portion, and at least one bore (14) running vertically through the block (10) between the second channel (12) of the top surface and second channel (12) of the bottom surface.

Peters does not show where the first and second channels are located laterally inwardly of the interior and exterior surfaces and laterally outwardly of the ridge portion and the groove portion, the first channel being inwardly of the exterior side of the block and the second channel being inwardly of the interior side, the first channel being smaller in cross section than the second channel.

Weir shows a building block with a top and bottom with a ridge (2) on the bottom which corresponds to the groove (1) on the top side to interfit the blocks, which has a first channel (3) which is outward the ridge and groove portion and inward the exterior surface, used to accommodate sealing means to the elements.

Beall III shows a building block (10) with a top and bottom with a ridge (27) on the bottom which corresponds to the groove (28) on the top side to interfit the blocks and also shows a second channel (22) which is between the interior wall and the groove and ridge portions, used to accommodate utility cable when the blocks are assembled horizontally adjacent. The Weir first channel cross-section being sized much smaller than the Beall III second channel, in order to fit a sealing strip in the first channel and larger conduit and utility cables in the second channel. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from

Art Unit: 3632

the teachings of Weir and Beall III to have modified the channels of Peters to have located the channels inwardly from the exterior and interior walls and outwardly from the ridge and groove portions and the first channel cross-section being smaller than the second channel, in order to add a sealer strip to the front channel and to accommodate utilities in the second channel and to replace use these blocks in the structure of Jantzi et al., in order to have a sturdier structure.

The method is inherent from the structure cited above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents show various forms of blocks and pre-fabricated structures

6389758 to Martin, Jr.

5890332 to Skidmore et al.

5802797 to Storer-Folt

5787675 to Futagi

5531054 to Ramirez

474135 to Baena

4319440 to Rassias et al.

3881289 to Mauroner

3736709 to Kock et al.

Art Unit: 3632

2684589 to Perreton

2141397 to Locke

2091552 to Macauley

1351471 to Drabers

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine number for the Technology center is 703-305-3597 or 703-305-3598 (formal amendments) or 703-308-3519 (informal amendments/communications).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168.



AJS  
Amy J. Sterling  
5/8/03



Korie Chan  
Primary Examiner  
AU 3632